THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23952 OF 2005

Dt.9.11.2005

Between:

Medikonda Nammallu

… Petitioner

And

The Joint Collector, Ongole,

Prakasam District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The learned counsel for the petitioner submits that as against the five charges made in the show cause notice, the petitioner filed a detailed explanation and also submitted relevant records to dispel the said charges, but without considering the same the Revenue Divisional Officer, Ongole, Prakasam District, by his order dated 3.10.2005 came to the conclusion that there is prima facie case to show that the dealer has contravened the provisions contained in the Andhra Pradesh State Public Distribution System Control Order, 2001 and accordingly suspended the authorization of the petitioner with immediate effect for a period of three months or till the finalization of disciplinary proceedings. Against the said order, the petitioner filed an appeal before the Joint Collector, Ongole, under Clause 20 of the said Control Order and stay application is also said to have been filed on 21.10.2005. It is stated that the Joint Collector, Ongole has not considered and disposed of the stay petition or the appeal.

As the appeal itself is pending along with stay application, the learned counsel for the petitioner submits that the impugned order of the 2nd respondent may be suspended pending disposal of the appeal.

I am not inclined to accept the said request till the enquiry is completed and the contention of the learned counsel for the petitioner that the petitioner has not contravened any of the provisions or conditions of the authorization cannot be appreciated.

Having regard to the facts and circumstances of the case, the appellate authority is directed to consider and dispose of the stay application said to have been filed by the petitioner on 21.10.2005

within two weeks from the date of receipt of copy of this order and thereafter the appeal itself may be disposed of in accordance with law after giving reasonable opportunity to the petitioner. The 2nd respondent, who is the authorized officer to pass final orders, is also directed to complete the enquiry and pass appropriate orders within six weeks from the date of receipt of copy of this order after giving reasonable opportunity to the petitioner.

The writ petition is accordingly disposed of. No costs.

_____

(V.ESWARAIAH, J.)

9.11.2005

Note: Issue copy within three days

B.O.

kpr